



City of Seattle

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Gregory J. Nickels, Mayor  
**Department of Planning and Development**  
D. M. Sugimura, Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR  
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

**Application Number:** 2306649  
**Applicant Name:** Julie LeDoux  
**Address of Proposal:** 101 24<sup>th</sup> Avenue East

**SUMMARY OF PROPOSED ACTION**

Master Use Permit to subdivide one parcel into two unit lots. Proposed lot sizes are: Parcel A) 1,642 square feet and Parcel B) 1,566 square feet. Construction of two townhouse units was approved under a related construction permit (Project #2306460).

The following approval is required:

**Short Subdivision** - to create two unit lots.  
(Chapter 23.24, Seattle Municipal Code).

**SEPA DETERMINATION:** ☒ Exempt ☐ DNS ☐ MDNS ☐ EIS  
☐ DNS with conditions  
☐ DNS involving non-exempt grading, or demolition, or  
involving another agency with jurisdiction.

**BACKGROUND DATA**

**Site & Area Description**

The 3,208-square foot site is located at the northwest corner of the intersection of 24<sup>th</sup> Avenue East and East Denny Way. At the site location, both 24<sup>th</sup> Avenue East and East Denny Way are improved with curb, gutter, and sidewalk. The site was previously developed with a single-family residence, but this structure will be demolished under an approved construction permit (Project #2306460).

The subject property is zoned Residential, Multifamily, Lowrise 2 (L2). The site is not located in any mapped or observed environmentally critical area (ECA).

Development in the immediate area consists of a mix of residential uses including both single-family residences and multi-family development. East Madison Street is located approximately 150 feet northwest of the site; development along East Madison Street is primarily commercial. Property immediately to the north, south, east and west of the subject site is zoned Residential, Multifamily, Lowrise 2 (L2).

#### Proposal Description

The proposal is to subdivide one parcel (the “parent lot”) into two unit lots with vehicular access provided via two driveways onto East Denny Way. Parking for both townhouse units would be located within each respective unit. In addition, both of the unit lots would include private open space.

The construction of two townhouse units was reviewed for consistency with the applicable provisions of the Seattle Municipal Code under a separate construction permit (Project #2306460). The subject of this analysis and decision is only the proposed subdivision of land.

#### Public Comments

The comment period for this proposal ended on January 28, 2004. No comments were received.

#### **ANALYSIS - SHORT SUBDIVISION**

Pursuant to SMC 23.24.040, no short plat shall be approved unless specific criteria are met. Based on information provided by the applicant, referral comments from the Land Use Plans Examiner, the Drainage Section, the Fire Department, Seattle Public Utilities (City Light and the Water Department), and review by the Land Use Planner, the following findings are made with respect to the above-cited criteria:

1. *Conformance to the applicable Land Use Code provisions;*

The subject property is zoned for multi-family residential use. The lots to be created by this unit subdivision might not individually meet all of the standards of SMC Chapter 23.45 for Lowrise 2 zones including setbacks, density, and structure width and depth. However, the development as a whole was reviewed for compliance with applicable standards under the related construction permit review. The development must continue to meet applicable standards when considered as a whole.

2. *Adequacy of access for vehicles, utilities, and fire protection, as provided in Section 23.53.005;*

Both of the proposed unit lots would have vehicular access to East Denny Way via two proposed driveways. In addition, both of the unit lots would have direct pedestrian access to East Denny Way; proposed Parcel B would also have direct pedestrian access to 24<sup>th</sup> Avenue East.

All private utilities are available in this area. Seattle City Light would provide electrical service to the proposed unit lot subdivision. After reviewing the proposal, City Light requires an easement to provide electrical facilities and service to the proposed unit lots (Easement “A” – P.M. #250428-4-029).

The Seattle Fire Department has reviewed and approved the proposed unit lot subdivision design.

3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*

This area is served with domestic water, sanitary sewer, and storm drain facilities by the City of Seattle. Availability of service is assured subject to standard conditions of utility extension. The Short Plat application has been reviewed by Seattle Public Utilities, and Water Availability Certificate #2004-0005 was issued on January 5, 2004.

Drainage review was conducted in conjunction with the related construction project. An existing twinned sidesewer (also serving the property to the west addressed as 2320 East Denny Way) connects the existing structure to a 15-inch public combined sewer (PS) located in East Denny Way. Sidesewer permits will be required for future construction. The PS will also be the appropriate point for stormwater discharge.

4. *Whether the public use and interests are served by permitting the proposed division of land;*

The proposed short subdivision is consistent with minimum Land Use Code provisions. The development would have adequate access for vehicles, utilities, and fire protection and would have adequate drainage, water supply, and sanitary sewage disposal. Therefore, the public use and interests would be served by permitting the proposed unit lot subdivision of land. The proposal meets all applicable criteria for approval of a short plat as discussed in this analysis.

5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions, in environmentally critical areas.*

This site is not located in a mapped or otherwise observed environmentally critical area as defined in SMC 25.09.240.

6. *Is designed to maximize the retention of existing trees.*

The related construction permit (Project #2306460) was reviewed for tree preservation and tree planting requirements. The proposed unit lot subdivision would allow the retention of all trees designated to be planted or preserved during construction permit review.

7. *Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-family housing.*

The construction of townhouse units has been approved on the parent lot. Pursuant to SMC 23.24.045(B), sites developed or proposed to be developed with townhouses, cottage housing, clustered housing, or single-family housing may be subdivided into

individual nonconforming unit parcels if development as a whole on the parent lot meets applicable Land Use Code development standards.

The applicant has provided the following statement to assure that future owners have constructive notice that additional development may be limited due to nonconformities: *The unit lots shown on this site are not separate buildable lots. Additional development on any individual unit lot in this subdivision may be limited as a result of the application of development standards to the parent lot pursuant to applicable provisions of the Seattle Land Use Code, Chapter 23 of the Seattle Municipal Code.*

The conformance of the proposed development as a whole with the applicable Land Use Code Provisions was reviewed under a related construction permit application (Project #2306460). These provisions include, but are not limited to, setback, lot coverage, building height, usable open space, landscaping, and parking requirements. Consistent with SMC 23.24.045(C), additional development of the proposed unit lots may be limited. Subsequent platting actions or additions or modifications to the structure(s) shall not create or increase any nonconformity of the parent lot. Consistent with SMC 23.24.045(D), access easements and joint use and maintenance agreements shall be executed for shared walls on property lines, and driveway and pedestrian access.

The proposed short subdivision conforms to the provisions of SMC 23.24.045 for Unit Lot Subdivisions.

### **SUMMARY - SHORT SUBDIVISION**

This unit lot short subdivision would be provided with adequate vehicular and emergency access and with public and private utilities. Adequate provisions for water supply and sanitary sewage disposal would be provided for each lot, and service is assured subject to standard conditions governing utility extensions. Adequate provisions for drainage control have also been provided.

### **DECISION - SHORT SUBDIVISION**

The proposed Short Subdivision is **CONDITIONALLY GRANTED**.

### **CONDITIONS - SHORT SUBDIVISION**

#### **Conditions of Approval Prior to Recording:**

The owner(s) and/or responsible party(s) shall:

1. Have final recording documents prepared by or under the supervision of a Washington state licensed land surveyor. Each lot, parcel, or tract created by the short subdivision shall be surveyed in accordance with appropriate State statutes. The property corners set shall be identified on the plat, and encroachments such as side yard easements, fences or structures shall be shown. Lot areas shall be shown on the plat. All existing structures,

principal and accessory, shall be shown on the face of the plat, and their distances to the proposed property lines dimensioned.

2. Submit the final recording forms for approval and any necessary fees.
3. On the face of the plat, include an easement to provide for electrical facilities and service to the proposed lots as required by Seattle City Light (Exhibit "A," Easement P.M. #250428-4-029) on the final documents.

Signature: (signature on file) Date: February 12, 2004  
Leslie C. Clark, AICP  
Land Use Planner

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